

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
13-CA-263453Date Filed
7/23/2020**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer (1) 2438 W. Cermak McDonald's (2) McDonald's USA	b. Tel. No. (1) 773-927-8643 (2) 800-244-6277
d. Address (Street, city, state, and ZIP code) (1) 2438 W. Cermak, Chicago, 60623 (2) 110 N. Carpenter Street, Chicago IL 60607	e. Employer Representative (b) (6), (b) (7)(C)
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, the above-named Joint Employers have interfered with, restrained, and coerced employees in their exercise of Section 7 rights by: (1) prohibiting employees from posting video recordings on social media of an incident that occurred at the workplace involving the violent attack by a customer on employees; (2) ordering employees to provide those video recordings to management; (3) ordering employees to delete the video recordings on their personal recording devices; and (4) instructing employees not to share or disseminate the recordings in any forum or media space. In so doing, the Joint Employers are directly interfering with and restraining employees from acting in concert and for their mutual aid and protection.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU National Fast Food Workers Union	
4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson, Suite 275 Chicago, IL 60607	4b. Tel. No. (312) 989-6213 4c. Cell No. 4d. Fax No. (312) 243-4731 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>D. P. Lichtman</u> David P. Lichtman, Attorney (signature of representative or person making charge) (Print/type name and title or office, if any) Address <u>Dowd, Bloch, Bennett & Cervone, 8 S. Michigan Ave, Chicago IL</u> 7/33/2020 (date)	
Tel. No. 312-372-1361 Office, if any, Cell No. Fax No. 312-372-6599 e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Please Review the Following
Important Information
Before Filling Out a Charge Form!

- Please call an Information Officer in the Regional Office nearest you for assistance in filing a charge. The Information Officer will be happy to answer your questions about the charge form or to draft the charge on your behalf. Seeking assistance from an Information Officer may help you to avoid having the processing of your charge delayed or your charge dismissed because of mistakes made in completing the form.
- Please be advised that not every workplace action that you may view as unfair constitutes an unfair labor practice within the jurisdiction of the National Labor Relations Act (NLRA). Please click on the Help Desk button for more information on matters covered by the NLRA.
- The section of the charge form called, "Basis of Charge," seeks only a brief description of the alleged unfair labor practice. You should **NOT** include a detailed recounting of the evidence in support of the charge or a list of the names and telephone numbers of witnesses.
- After completing the charge form, be sure to sign and date the charge and mail or deliver the completed form to the appropriate Regional Office.
- A charge should be filed with the Regional Office which has jurisdiction over the geographic area of the United States where the unfair labor practice occurred. For example, an unfair labor practice charge alleging that an employer unlawfully discharged an employee would usually be filed with the Regional Office having jurisdiction over the worksite where the employee was employed prior to his/her discharge. An Information Officer will be pleased to assist you in locating the appropriate Regional Office in which to file your charge.
- The NLRB's Rules and Regulations state that it is the responsibility of the individual, employer or union filing a charge to timely and properly serve a copy of the charge on the person, employer or union against whom such charge is made.
- By statute, only charges filed and served within **six (6) months** of the date of the event or conduct, which is the subject of that charge, will be processed by the NLRB.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
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July 23, 2020

(b) (6), (b) (7)(C)

McDonald's
2438 West Cermak
Chicago, IL 60623

McDonald's USA
110 N. Carpenter Street
Chicago, IL 60607

Re: 2438 W. Cermak McDonald's
Case 13-CA-263453

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and whose email address is Latha.Chekuru@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by August 23, 2020. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

July 23, 2020

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Sung Ohr', with a long horizontal line extending to the right.

Peter Sung Ohr
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-263453

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**2438 W. CERMAK MCDONALD'S,
MCDONALD'S USA**

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS
UNION**

Charging Party

Case 13-CA-263453

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 23, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
McDonald's
2438 West Cermak
Chicago, IL 60623

McDonald's USA
110 N. Carpenter Street
Chicago, IL 60607

July 23, 2020

Date

Timothy D. Bennett, Designated Agent of
NLRB

Name

/s/Timothy D. Bennett

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
NLRB
Mobile App

July 23, 2020

SEIU National Fast Food Workers Union
850 West Jackson Street, Suite 275
Chicago, IL 60607

Re: 2438 W. Cermak McDonald's
Case 13-CA-263453

Dear Sir or Madam:

The charge that you filed in this case on July 23, 2020 has been docketed as case number 13-CA-263453. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Latha Chekuru whose telephone number is (312)353-7603 and whose email address is Latha.Chekuru@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 23, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

cc: David P. Lichtman, ESQ.
Dowd Bloch Bennett Cervone Auerbach
& Yokich
8 S Michigan Ave Ste 1900
Chicago, IL 60603-3315

From: [David Lichtman](#)
To: [Chekuru, Latha](#)
Subject: Re: 13-CA-263453 2438 W Cermak McDonald's
Date: Monday, August 3, 2020 3:24:36 PM

If you mean is the Union protesting or challenging any policy/procedure relating to COVID-19, no.

On Mon, Aug 3, 2020 at 2:21 PM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:

Hi David,

Are these cases COVID related anyway?

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13


219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: David Lichtman <dlichtman@laboradvocates.com>
Sent: Thursday, July 30, 2020 5:31 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Subject: Re: 13-CA-263453 2438 W Cermak McDonald's

Thanks. I've instructed the Union to notify the workers of the time slots. I'll let you know of  availability asap.

David

On Thu, Jul 30, 2020 at 4:35 PM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

I have submitted the two requests and will hopefully hear back tomorrow.

From: David Lichtman <dlichtman@laboradvocates.com>

Sent: Thursday, July 30, 2020 4:25 PM

To: Chekuru, Latha <Latha.Chekuru@nrlb.gov>

Subject: Re: 13-CA-263453 2438 W Cermak McDonald's

OK, can you check with (b) (6), (b) (7)(C) for the other two and I'll work on (b) (6), (b) (7)(C)?

On Thu, Jul 30, 2020 at 4:24 PM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

Usually within 24 hours. I would need to know the date and time for (b) (6), (b) (7)(C) before scheduling (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C).

From: David Lichtman <dlichtman@laboradvocates.com>

Sent: Thursday, July 30, 2020 4:23 PM

To: Chekuru, Latha <Latha.Chekuru@nrlb.gov>

Subject: Re: 13-CA-263453 2438 W Cermak McDonald's

When do you think you'll know about (b) (6), (b) (7)(C) schedule? I'd hate to lock in the dates with the workers and then have them changed.

David

On Thu, Jul 30, 2020 at 4:19 PM Chekuru, Latha <Latha.Chekuru@nrlb.gov> wrote:

Hi David,

Here what I suggest:

(b) (6), (b) (7)(C), (b) (7)(D) - (b) (6), (b) (6), (b) (7)(C), (b) (7)(C) at (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

Of course all of these dates/times are tentative until I can confirm the availability of a (b) (6), (b) (7)(C).

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: David Lichtman <dlichtman@laboradvocates.com>

Sent: Thursday, July 30, 2020 2:12 PM

To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>

Subject: Re: 13-CA-263453 2438 W Cermak McDonald's

Ms. Chekuru,

The Union will present 3 witnesses, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is available (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is available (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) schedule is more irregular due to work schedules. It might be better if you send me dates and times when you are available to speak to (b) (6), (b) (7)(C), and I'll find out which one(s) work.

As a heads up, each witness will be designating a representative from the Union to be present during the interviews. I will e-file the designation of representation forms ahead of the interviews.

Thank you,

David

On Mon, Jul 27, 2020 at 2:09 PM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:

Hi David,

I am the Board Agent investigating the above named charge. Can you let me know how many witnesses you have and (b) (6), (b) (7)(C) Also, what days are they available (b) (6), (b) (7)(C) ?

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

--

DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich (office@laboradvocates.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

--

DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

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--

DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

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DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

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DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

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From: [David Lichtman](#)
To: [Chekuru, Latha](#)
Subject: Re: McD Cermak - scheduling corroborating witnesses
Date: Thursday, August 27, 2020 4:36:56 PM

Latha,

At this point we will rest on (b) (6), (b) (7)(C), (b) (7)(D) affidavit.

On Thu, Aug 27, 2020 at 3:15 PM Chekuru, Latha <Latha.Chekuru@nlrb.gov> wrote:

Hi David,

Is the Union still interesting in scheduling the two corroborating witnesses?

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

219 S Dearborn Street, Suite 808

Chicago, IL 60604

T: 312-353-7603

F: 312-886-1341

From: Chekuru, Latha
Sent: Tuesday, August 18, 2020 4:24 PM
To: David Lichtman <dlichtman@laboradvocates.com>
Subject: McD Cermak - scheduling corroborating witnesses

Hi David,

Here are some dates/times:

Wednesday, August 26: 10:30-12:00 & 3:00 – 5:00

Friday, August 28: 10:30 – 2:00

Wednesday, September 2: 10:30 – 5:00

I can send more dates if necessary.

Sincerely,

Latha Chekuru

Board Agent

National Labor Relations Board

Region 13

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Chicago, IL 60604

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F: 312-886-1341

--

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JUST N. J. LANNOYE
DAVID P. LICHTMAN
GEORGE A. LUSCOMBE III
ELIZABETH L. ROWE
RONALD M. WILLIS
STEPHEN A. YOKICH

September 18, 2020

VIA E-FILE

Ms. Latha Chekuru
Field Examiner
National Labor Relations Board
Region 13
219 S. Dearborn St., Suite 808
Chicago, IL 60604

Re: WOCC and 2438 W. Cermak McDonald's *et al.*
13-CA-263453

Dear Ms. Chekuru:

This serves as the Union's position statement in response to your request of September 11.

Employees have a Section 7 right to engage in photography and audio or video recording in the workplace for their mutual aid and protection provided that no overriding employer interest justifies prohibiting the activity. *Whole Foods Mkt., Inc.*, 363 NLRB No. 87 slip op. at 3 (2016), enfd. 691 Fed. Appx. 49 (2d. Cir. 2017); *T-Mobile USA, Inc.*, 363 NLRB No. 171, slip at 3-4 (2016), enfd. in relevant part 865 F.3d 265 (5th Cir. 2017); *Rio All-Suites Hotel & Casino*, 362 NLRB no. 190, slip op. at 4 (2015). The Board has held that photography and audio or video recordings serve important Section 7 purposes, including "documenting unsafe workplace equipment or hazardous working conditions" and "recording evidence to preserve it for later use in administrative or judicial forums." *Whole Foods, supra*, slip op. at 3, citing *Rio All-Suites, supra*, slip op. at 4.

On or about (b) (6), 2020, the Charged Parties (hereinafter, the "Employer") interfered with and restricted employees from engaging in protected concerted activity. On that day, two customers, neither wearing masks, initiated an argument that turned

physically violent with McDonald employees. At least one employee was struck. Employees recorded the incident with their cell phones. The recordings captured the dangerous working conditions, where customers upset at not being served for not wearing masks, violently erupt against McDonald employees. There was no security present to deter the customers or respond to the criminal activity. The employees were left to their own devices and placed in harm's way.

The video recordings clearly served Section 7 purposes of capturing and documenting unsafe working conditions and recording evidence to preserve it for later use. The Employer concedes the latter point by claiming the employees recorded the incident to use in a police report.

The Employer interfered and restricted the employees' Section 7 rights by demanding, upon the threat of discipline, that the employees (1) not share the videos, for example, by uploading them to social media, *and* (2) delete the recordings. Employees had the right to circulate and use the videos for their mutual aid and protection, both in terms of documenting the unsafe working conditions and for use in any legal proceeding or matter.

The Employer further instructed at least one employee, (b) (6), (b) (7)(C), that employees must ask permission before making any recording, even in an emergency situation and, presumably, on non-work time. As stated in *Whole Foods, Inc.*, rules are unlawful when they require employees to obtain the employer's permission before engaging in recording activity on nonwork time.

The Employer's actions unquestionably and unjustifiably restricted employees' Section 7 rights in its application of its policy. Even assuming without conceding that the policy is not overly broad and violative of Section 8(a)(1) on its face, the Employer's application of the policy on or about (b) (6), (b) (7)(C) unlawfully restricted employees' Section 7 rights. *See Boeing Co.*, 2017 NLRB LEXIS 634, * 18 (2017) ("even when a rule's *maintenance* is deemed lawful, the Board will examine circumstances where the rule is *applied* to discipline employees who have engaged in NLRA-protected activity, and in such situations, the discipline may be found to violate the Act." (emphasis added)).

The fact that the policy contains a "savings clause" does not cure the otherwise unlawful application of the policy. *Giant Food LLC*, 2012 NLRB LEXIS 896, *30 (2012)

Given the foregoing, the Union submits that there is sufficient evidence of employees engaged in protected activity and that the Employer's application of its policy

and threats of discipline violated Section 8(a)(1). If you have any additional questions, please do not hesitate to contact me.

Very Truly Yours,

/s/ David P. Lichtman

David P. Lichtman

cc: (b) (6), (b) (7)(C) (via email)

From: [Chekuru, Latha](#)
To: [David Lichtman](#)
Subject: RE: 13-CA-263453 2438 W. Cermak McDonald's
Date: Thursday, October 1, 2020 2:56:00 PM

Hi David,

I have (b) (6), (b) (7)(C) scheduled for (b) (6), (b) (7)(C) . Could you please send me (b) (6), (b) (7)(C) phone number? Thank you.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
M: 202-577-2497
F: 312-886-1341

From: David Lichtman <dlichtman@laboradvocates.com>
Sent: Friday, September 25, 2020 3:48 PM
To: Chekuru, Latha <Latha.Chekuru@nlr.gov>
Subject: Re: 13-CA-263453 2438 W. Cermak McDonald's

I'll check and get back to you.

On Fri, Sep 25, 2020 at 2:58 PM Chekuru, Latha <Latha.Chekuru@nlr.gov> wrote:

Hi David,

I would like to schedule a time to talk to (b) (6), (b) (7)(C) to ask a few more questions (with an (b) (6), (b) (7)(C) Is (b) (6), (b) (7)(C) available at all next week Tuesday – Friday?

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
M: 202-577-2497
F: 312-886-1341

From: David Lichtman <dlichtman@laboradvocates.com>

Sent: Thursday, September 17, 2020 6:27 PM

To: Chekuru, Latha <Latha.Chekuru@nrlb.gov>

Subject: Re: 13-CA-263453 2438 W. Cermak McDonald's

Latha,

This serves as the Union's position statement in response to your request of September 11.

Employees have a Section 7 right to engage in photography and audio or video recording in the workplace for their mutual aid and protection provided that no overriding employer interest justifies prohibiting the activity. *Whole Foods Mkt., Inc.*, 363 NLRB No. 87 slip op. at 3 (2016), enfd. 691 Fed. Appx. 49 (2d. Cir. 2017); *T-Mobile USA, Inc.*, 363 NLRB No. 171, slip at 3-4 (2016), enfd. in relevant part 865 F.3d 265 (5th Cir. 2017); *Rio All-Suites Hotel & Casino*, 362 NLRB no. 190, slip op. at 4 (2015). The Board has held that photography and audio or video recordings serve important Section 7 purposes, including "documenting unsafe workplace equipment or hazardous working conditions" and "recording evidence to preserve it for later use in administrative or judicial forums." *Whole Foods, supra*, slip op. at 3, citing *Rio All-Suites, supra*, slip op. at 4.

On or about (b) (6), 2020, the Employer interfered with and restricted employees from engaging in protected concerted activity. On that day, two customers, neither wearing masks, initiated an argument that turned physically violent with McDonald employees. At least one employee was struck. Employees recorded the incident with their cell phones. The recordings captured the dangerous working conditions, where customers upset at not being served for not wearing masks, violently erupt against McDonald employees. There was no security present to deter the customers or respond to the criminal activity. The employees were left to their own devices and placed in harm's way.

The video recordings clearly served Section 7 purposes of capturing and documenting unsafe working conditions and recording evidence to preserve it for later use. McDonald's concedes the latter point by claiming the employees recorded the incident to use in a police report.

McDonald's interfered and restricted the employees' Section 7 rights by demanding, upon the threat of discipline, that the employees (1) not share the videos, for example, by uploading them to social media, and (2) delete the recordings. Employees had the right to circulate and use the videos for their mutual aid and protection, both in terms of documenting the unsafe working conditions and for use in any legal proceeding or matter.

McDonald's further instructed (b) (6), (b) (7)(C) that employees must ask permission before making any recording, even in an emergency situation and, presumably, on non-work time. As stated in *Whole Foods, Inc.*, rules are unlawful when they require employees to obtain the employer's permission before engaging in recording activity on nonwork time.

McDonald's actions unquestionably and unjustifiably restricted employees' Section 7 rights in its application of its policy. Even assuming without conceding that the policy is not overly broad and violative of Section 8(a)(1) on its face, the Employer's application of the policy on or about (b) (6) unlawfully restricted employees' Section 7 rights. *See Boeing Co.*,

2017 NLRB LEXIS 634, * 18 (2017) (“even when a rule's *maintenance* is deemed lawful, the Board will examine circumstances where the rule is *applied* to discipline employees who have engaged in NLRA-protected activity, and in such situations, the discipline may be found to violate the Act.” (emphasis added)).

The fact that the policy contains a "savings clause" does not cure the otherwise unlawful application of the policy. *Giant Food LLC*, 2012 NLRB LEXIS 896, *30 (2012)

Given the foregoing, we submit that there is sufficient evidence that employees engaged in protected activity and that the Employer's application of its policy violated Section 8(a)(1). If you have any additional questions, please do not hesitate to contact me.

David

On Fri, Sep 11, 2020 at 1:10 PM Chekuru, Latha <Latha.Chekuru@nrlrb.gov> wrote:

Hi David,

The McDonalds involved in the above named case is a corporate owned store. The corporate owned stores have had a cell phone and video policy in effect for quite some time. Could you please submit a position statement setting forth the Union's theory of the case along with supporting case law? Please submit the position statement by **Thursday, September 17, 2020**. Please let me know if you would like to discuss the case on the phone or have any questions.

Sincerely,

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
M: 202-577-2497
F: 312-886-1341

--

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10/2/2020

Spoke to (b) (6), (b) (7)(C) with (b) (6), (b) (7) I asked (b) (6), (b) (7)(C) what the rule was about cell phone use and photos and videos before the fight. (b) (6), (b) (7)(C) said before the fight employees were not allowed to use their personal cell phones during work time but they could use them during break time away from the floor. If needed to use cell phone during work time then the employee had to ask permission from a supervisor and then go to a different area to make the call.

(b) (6), (b) (7)(C) said before and after the fight, (b) (6), (b) (7)(C), would ask employees to take photos or video of their finished work sometimes on their personal cell phones. One time (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to take a photo after (b) (6), (b) (7)(C) cleaned the freezer to make sure it was cleaned properly. Recently, (b) (6), (b) (7)(C) asked a coworker to take a photo of the floor after the employee finished sweeping it.

After the fight, cell phone rules and video rules have not changed. Employees keep their cell phone with them and use them while working secretly – no one disciplined.

Regarding the fight, (b) (6), (b) (7)(C) doesn't not know why the two employees took a video of it. There are video cameras all over the store. After the fight, employees did not get together and discuss any safety issues arising from the fight.

From: [Chekuru, Latha](#)
To: [David Lichtman](#)
Subject: RE: 13-CA-263453 2438 W Cermak McDonald's
Date: Wednesday, October 21, 2020 11:46:00 AM

Unfortunately I cannot provide any details.

From: David Lichtman <dlichtman@laboradvocates.com>
Sent: Wednesday, October 21, 2020 9:48 AM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Subject: Re: 13-CA-263453 2438 W Cermak McDonald's

May I ask what is being deliberated and requested of the Division?

David

----- Forwarded message -----

From: **Chekuru, Latha** <Latha.Chekuru@nlrb.gov>
Date: Wed, Oct 21, 2020 at 8:49 AM
Subject: 13-CA-263453 2438 W Cermak McDonald's
To: David Lichtman <dlichtman@laboradvocates.com>

Dear David,

The case has been sent to the Division of Advice. I will update you once the Region hears back from Advice.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
M: 202-577-2497
F: 312-886-1341

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DAVID P. LICHTMAN

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From: [Hitterman, Paul](#)
To: [Ohr, Peter S.](#); [Gianopulos, Kate](#); [Chekuru, Latha](#)
Subject: RE: 13-CA-263453 2438 W. Cermak McDonald's agenda minute
Date: Wednesday, October 21, 2020 12:16:00 PM

I agree

From: Ohr, Peter S. <Peter.Ohr@nlrb.gov>
Sent: Tuesday, October 20, 2020 5:11 PM
To: Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>; Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>
Subject: RE: 13-CA-263453 2438 W. Cermak McDonald's agenda minute

Agreed.

Peter Sung Ohr, Regional Director

NLRB Chicago-Region 13
219 S. Dearborn St, 808
Chicago, IL 60604
(312) 353-7574
<https://www.nlrb.gov/region/chicago>
<https://www.facebook.com/NLRBChicago/?ref=bookmarks>

From: Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Sent: Tuesday, October 20, 2020 4:31 PM
To: Chekuru, Latha <Latha.Chekuru@nlrb.gov>; Ohr, Peter S. <Peter.Ohr@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>
Subject: Re: 13-CA-263453 2438 W. Cermak McDonald's agenda minute

Agree.

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From: Chekuru, Latha <Latha.Chekuru@nlrb.gov>
Sent: Tuesday, October 20, 2020 4:30:17 PM
To: Ohr, Peter S. <Peter.Ohr@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>; Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Subject: 13-CA-263453 2438 W. Cermak McDonald's agenda minute

The oral agenda took place on October 20, 2020. Peter Sung Ohr, Paul Hitterman and Latha Chekuru were present.

CASE NAME: 2438 W. Cermak McDonald's

CASE NUMBER: 13-CA-263453

DATE FILED: July 23, 2020
BOARD AGENT: Latha Chekuru
SUPERVISOR: Kate Gianopulos, SFX
ALLEGATIONS: 8(a)(1)
CATEGORY: I
CHARGING PARTY: SEIU National Fast Food Workers Union
10(j) INVOLVED? No
JURISDICTION: Yes

Recommendation: submit to Advice (b) (5)

Minutes:

The Agenda panel agreed that the Employer's Electronic devices and Online Communications policies were Category 1 rules under *The Boeing Co.*, 365 NLRB No. 154 (2017). While the rules are facially valid, the Agenda panel stated that it was necessary to analyze whether the Employer's application of these rules was lawful.

(b) (5), (b) (6), (b) (7)(C)

The Agenda recommends submitting the case to Advice (short form memo) (b) (5)

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
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F: 312-886-1341

From: [Hitterman, Paul](#)
To: [SM-Advice](#)
Cc: [Dodds, Amy L.](#); [Sullivan, Joan A.](#); [Ohr, Peter S.](#); [Nelson, Daniel N.](#)
Subject: 2438 W. Cermak McDonald's, Case 13-CA-263453, Request for Advice
Date: Wednesday, October 21, 2020 5:06:00 PM

The Region submits the instant case for guidance regarding whether it is appropriate to issue complaint on the Employer's unlawful application of the Employer's Electronic Devices and Online Communications policies in violation of Section 8(a)(1).

The Region determined that the Employer's nationwide corporate Electronic Devices and Online Communications policies should be classified as facially valid Category 1 rules under *The Boeing Co.*, 365 NLRB No. 154 (2017). ([Er's electronic devices and online communications policy.pdf](#)) (see *Union Tank Car Company*, 369 NLRB No. 120 (July 17, 2020) and *Bemis Company Inc.*, 370 NLRB No.7 (August 7, 2020)). However, the Employer applied these rules in a manner that restricted employees' Section 7 rights.

On (b) (6) 2020, there was an incident at the restaurant in which customers were physically violent towards employees. Two employees recorded the incident on their personal cell phones and posted the videos on Snapchat. Police were called to the scene and notified management they would be requesting the employees' video recordings for the purpose of investigating this incident.

Subsequently, the Employer met with employees and reiterated its policies regarding electronic devices and online communications. While it did not discipline the employees, the Employer instructed them to send management their video recordings of the incident, to delete these recordings from their personal cell phones, and to remove any social media posts regarding this physical altercation. During the investigation of the charge, these two employees refused to provide affidavits or to speak with the Board Agent

(b) (5)



From: (b) (6), (b) (7)(C)
To: [Ohr, Peter S.](#)
Cc: [Hitterman, Paul](#); [Nelson, Daniel N.](#); [Gianopoulos, Kate](#); [Chekuru, Latha](#); [Bock, Richard](#); [Dodds, Amy L.](#); [Shorter, LaDonna](#)
Subject: 2438 W. Cermak McDonald's, 13-CA-263453 [case-closing email]
Date: Tuesday, November 3, 2020 1:40:59 PM

This case was submitted for advice on whether the Employer unlawfully implemented its Electronic Devices/Online Communications policies by instructing employees to send management their cell phone videos of an in-store fight between customers and employees, delete the recordings from their cell phones, and remove their social media posts regarding the incident. We conclude that the Region should dismiss the charge, absent withdrawal.

On (b) (6), (b) (7)(C) 2020, two customers instigated a fight with two store employees over wait times and in-store mask requirements. Two other employees recorded the fight on their cell phones and posted the videos to Snapchat. After the incident, a manager met with employees to remind them of the Employer's Electronic Devices/Online Communications policies and asked them to send management the video recordings, delete the recordings from their cell phones, and delete the Snapchat posts. No one was disciplined. Additionally, according to the Employer, the manager explained to employees that (b) (6), (b) (7)(C) wanted the videos and posts deleted because (b) (6), (b) (7)(C) was concerned for the safety and privacy of the employees involved and did not want anyone to feel targeted, exposed, or embarrassed. The Employer also claims that the two employees who recorded the fight told the manager they recorded the fight to obtain evidence for the police and had already deleted the Snapchat posts. These employees have refused to provide affidavits to the Region.

As a preliminary matter, we agree with the Region that the Electronic Devices/Online Communications policies are facially lawful. We also conclude that the Employer's post-fight instructions to employees were lawful. Significantly, the employees who filmed the fight have not provided affidavits to the Region, and, based on the current record, which includes one affidavit from a different employee witness, we cannot find that the recording and posting of the videos was concerted. Although two employees engaged in this activity, there is no evidence that they coordinated their actions in any way. Nor is there any evidence that any employees discussed workplace safety issues arising from the fight, much less sought to induce or encourage group action. In addition, there is no evidence the employees acted for mutual aid or protection. Even assuming, as the Employer claims, that the employees recorded the fight to obtain evidence for a potential police investigation, this would not necessarily show that they acted for the purpose of improving workplace safety or other working conditions. *See, e.g., Alstate Maintenance, LLC*, 367 NLRB No. 68, slip op. at 8-9 (Jan. 11, 2019).

Moreover, the Employer's instructions to employees regarding the videos and social media postings did not reasonably tend to restrain or coerce employees' protected concerted activity, as there is no evidence the Employer conveyed to employees that it believed any employees had engaged in protected concerted activity. Nor is there any evidence that the Employer demonstrated any concern about future protected concerted activity. *Cf. Parexel International, LLC*, 356 NLRB 516, 519-20 (2011) (finding discharge of employee who had not engaged in protected concerted activity violated Section 8(a)(1) because it was a preemptive strike to prevent her from engaging in future

protected concerted activity). Rather, the Employer states its manager told employees that [REDACTED] was acting out of concern for the safety and privacy of the employees involved in the fight.

Accordingly, the Region should dismiss the charge, absent withdrawal. This email closes this case in Advice as of today. Please feel free to contact us with questions or concerns.

[REDACTED]
[REDACTED]

NLRB Division of Advice
1015 Half St., SE
Washington, DC 20570

[REDACTED]

From: [Chekuru, Latha](#)
To: [David Lichtman](#)
Subject: 2438 W. Cermak McDonald"s, 13-CA-263453
Date: Tuesday, November 3, 2020 2:46:00 PM

Hi David,

The Region heard back from Advice. Advice determined that the Employer's Electronic Devices/Online Communications policies are facially lawful and that the Employer's post-fight instructions to employees were lawful. Advice determined that the employees were not engaged in pca when they videotaped the incident and posted to social media. Please let me know whether the Union is willing to withdraw by close of business tomorrow. Please let me know if you have any questions.

Latha Chekuru
Board Agent
National Labor Relations Board
Region 13
219 S Dearborn Street, Suite 808
Chicago, IL 60604
T: 312-353-7603
M: 202-577-2497
F: 312-886-1341

From: [David Lichtman](#)
To: [Chekuru, Latha](#)
Subject: 2438 W. Cermak McDonald"s; Case No. 13-CA-263453
Date: Thursday, November 5, 2020 3:19:15 PM

Latha,

The Union requests to withdraw the above charge.

Thank you for your patience in investigating this charge.

David

--

DAVID P. LICHTMAN

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

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FIR

OFFICE MEMORANDUM

DATE : November 5, 2020

TO : Kate Gianopulos, SFX
Region 13 - Chicago

FROM : Latha Chekuru, Board Agent

SUBJECT : 2438 W. Cermak McDonald's
13-CA-263453

Pursuant to the November 3, 2020 response from Advice, I solicited withdrawal from the CP on the same date. On November 5, 2020, the Union withdrew the charge on a written basis.

Therefore, I recommend the written withdrawal be approved.

I agree with the recommendation to approve the Charging Party's withdrawal request based on Advice's DAW determination. Withdrawal approved. KMG 11-5-20 (acting ARD for DBB case).

Case Name: 2438 W. Cermak McDonald's
Case No.: 13-CA-263453
Agent: Field Examiner Latha Chekuru

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
8/4/2020	Lichtman	Phone	Witness scheduled for 10:30 today as to rescheduled – rescheduled for 10:30 tomorrow and (b) (6), (b) (7)(C).
8/5/2020	(b) (6), (b) (7)(C)	Phone	Called at 10:30 – scheduled time of affidavit – call went to voicemail and left message. Called three more times and call went to voicemail.
10/1/2020	Lichtman	Phone	He asked why I wanted to talk to (b) (6), (b) (7)(C) – I said I wanted to talk about past cell phone use and video recording by ees. He said ok and (b) (6), (b) (7)(C) is available tomorrow after 12:00pm. I suggested 1:30 and said I would schedule (b) (6), (b) (7)(C).
10/2/2020	Lichtman	Phone	Spoke to Lichtman – he asked if Union rep Francisco Guzman could be on call and he will file notice of designation – he said other Board Agents are allowing it. I said it is fine as long as he just listens. He said ok. I said I would ask (b) (6), (b) (7)(C) if it was ok with (b) (6), (b) (7)(C) first.
	(b) (6), (b) (7)(C)	Phone	(b) (6), (b) (7)(C) said it was fine if Guzman is on call.
11/4/2020	Lichtman	Phone	Spoke to Lichtman – explained Advice's determination and solicited withdrawal. I said rules were lawful and application lawful and no evidence ees who videotaped fight were engaged in pca. (b) (5) [REDACTED]
	SFX Gianopulos	Phone	Spoke to SFX Gianopulos (b) (5) [REDACTED]
	Lichtman	Phone	Spoke to Lichtman – I said he (b) (5) [REDACTED] He

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			said he would get back to me tomorrow.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
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November 5, 2020

Via Electronic Mail Unless Otherwise Indicated

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McDonald's USA
110 North Carpenter Street
Chicago, IL 60607
Via First Class Mail

Re: 2438 W. Cermak McDonald's
Case 13-CA-263453

Dear Mr. Martin and Mr. Linas:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: **(b) (6), (b) (7)(C)**, McDonald's
2438 West Cermak
Chicago, IL 60623
Via First Class Mail

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